

CITY COMMISSION MINUTES

December 2, 2008

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, December 2, 2008 with Mayor Mick Wunder presiding.

The following members of the Commission were present: Terry Heldstab, Mike Rhodes, Ken Talley, Jack Taylor and Mick Wunder. Staff present was: City Manager Rod Barnes, Assistant City Manager Mike Guinn, City Clerk Tricia Gowen, City Engineer Christina Cook, and City Attorney Catherine Logan.

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the Consent Agenda. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. The Consent Agenda consisted of the following:

- a. Approval of the **November 18, 2008**, City Commission meeting minutes.
- b. Approval of the **November 20, 2008**, Special City Commission meeting minutes.
- c. The consideration and approval of **Payroll #23 and Payroll #24** in the amounts of \$211,802.73 (payroll #23, November 7, 2008) and \$214,382.79 (payroll #24, November 21, 2008).
- d. The consideration and approval of **Pay Request #2** by HWS Consulting Group for the Deer Creek Drainage Feasibility Study, in the amount of \$11,740.58 (Project is 85% complete.) (Special Assessment District)
- e. The consideration and approval of **Pay Request #3** by Konza Construction for construction services through November 7, 2008, for the Rucker Road – US 77 to Whitney project, in the amount of \$331,925.92. (Pay request will be paid for by Transportation Revolving Fund #0109.)
- f. The consideration and approval of **Pay Request #4** by Konza Construction for construction services through November 21, 2008, for the Rucker Road – US 77 to Whitney project, in the amount of \$134,658.53. (Pay request will be paid for by Transportation Revolving Fund #0109.)
- g. The consideration and approval of **Pay Request #3** by Larkin Excavating for services through November 19, 2008, for the Spring Valley Road – McFarland Road to Wildcat Lane project, in the amount of \$565,790.88. (Pay request will be applied to the Transportation Revolving Loan Fund #0067.)
- h. The consideration and approval to **Submit Request** to the Transportation Loan Fund to add the Junction City Pavement Patching projects to loan #0067, in the amount of \$500,000.00.

- i. The consideration and approval of **Pay Request #3** by Middlecreek Corporation for services through November 20, 2008, for the K-18 and Karns project, in the amount of \$193,883.20. (State pays \$140,360.08; School pays \$38,783.01 and City pays \$14,740.11.) (City portion will be submitted to Transportation Revolving Loan Fund #0072.)
- j. The consideration and approval of **Pay Request** by Konza Construction for the Opera House Alleyway Overlay project, in the amount of \$12,360.00.
- k. The consideration and approval of **Pay Request #13** by Walters-Morgan Construction for services on the K-57 Channel and Pedestrian Trail Improvements project, in the amount of \$41,280.82 and the **request for 7 additional calendar days**.
- l. The consideration and approval of **Pay Request #2** by HWS Consulting Group for construction phase, labor and expense for the Freeman Field Taxilane Reconstruction project, in the amount of \$21,731.19. (95% from FAA funding, 5% from City general fund.)
- m. The consideration and approval of **Pay Request #15** by BG Consultants for services through October 31, 2008, for Rucker Road – US 77 to Whitney project, in the amount of \$12,169.72. (Pay request will be paid for by Transportation Revolving Fund #0109.)
- n. The consideration and approval of **Easement, Right-of-Way** and Offer to Mary K. Munson for Spring Valley Road – Fox Sparrow Court to Sutter Woods Road street improvement project, in the amount of \$15,000.00.
- o. The consideration and approval of **Easement, Right-of-Way** and Offer of the Peter's property for the Spring Valley Road – McFarland to Wildcat Lane street improvement project, in the amount of \$20,220.00.

SPECIAL PRESENTATIONS

- a. A presentation by the Junction City/Geary County Conventions & Visitors Bureau. Rick Dykstra read an email from Michael Malone with ESPN that commended the community for their support of the Bass Tournament. Connie Hall thanked the City for their help with the event. Mr. Dykstra presented a video that highlighted the tournament. Ms Hall and Mr. Dykstra presented the Commission with ESPN commemorative coins, ESPN hats and t-shirts. The tournament was a great success and everyone had a good time.
- b. A special presentation to Mark of Excellence and Service Award recipients. The Mayor presented service awards to City employees through the awards program at the League of Kansas Municipalities. Awards for service were presented to the following employees:

10 Years	Keith Fitzgerald, Police Department Angelina Nellis, Police Department Luverne Steffens, Rolling Meadows Golf Course Mick Wunder, Mayor
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15 Years	Christopher Booth, Fire Department Sherilyn Brown, Administrative Services Trish Giordano, Police Department
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15 Years	Craig Green, Police Department Michael Guthrie, Fire Department Kelly Heindel, Fire Department Rick Leffingwell, Rolling Meadows Golf Course Mark Roberts, Police Department John Wimbish, Rolling Meadows Golf Course
20 Years	David Edgar, Police Department Bill Kausler, Fire Department Dennis Wetklow, Fire Department Bobby Whitten, Police Department
25 Years	Curt Janke, Fire Department

The Mayor also presented City employees with the Mark of Excellence Award. The Mark of Excellence Award is presented for outstanding service to the City of Junction City and/or Outstanding service to the community reflecting credit upon the City and/or An outstanding achievement reflecting credit upon the City. The following City employees were presented the Mark of Excellence Award:

Cynthia Sinklier, Administrative Services	George V. O'Neal, Rolling Meadows Golf Course
Jason Haslouer, Recreation	Alejandra Salido, Water Utilities & Parks
Gail Parsons, Art Council	Dianna Stewart, Engineering
Edgar Torres, Police Department	Sherilyn Brown, Administrative Services
Sharon Riley, Police Department	Jill McKim, Administrative Services
Scott Popovich, Police Department	Rae Gervais, Administrative Services

- c. A presentation by Veolia Water on cart delivery and changes in the trash collection system. Steve Hoambrecker with Veolia Water reviewed the up coming changes with the trash collection system that will occur in December. Mr. Hoambrecker stated that the community will be notified of the changes and how they may be affected via the media.

UNFINISHED BUSINESS

- a. The consideration and approval of **Charter Ordinance 37** exempting the City of Junction City from the provisions of the Water Pollution Control Act, and providing substitute and additional provision relating to the establishment, operation, maintenance, improvement, and regulation of sewer systems, including but not limited to, storm and surface water drainage systems and flood protection works, and to the issuance of Bonds for the purpose of paying for the property and improvements necessary for such systems (**Final Reading**). Commissioner Rhodes moved, seconded by Commissioner Talley to approve Charter Ordinance 37 exempting the City of Junction City from the provisions of the Water Pollution Control Act and providing substitute and additional provision relating to the establishment, operation, maintenance, improvement, and regulation of sewer systems, including but not limited to, storm and surface water drainage systems and flood protection works, and to the issuance of bonds for the purpose of paying for the property and improvements necessary for such systems (Final Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- b. The consideration and approval of **Ordinance G-1043** requiring additional information for permit applications by replacing the existing Section 500.060 with the following to Title IV (Building Permit) **(Final Reading). REMOVED FROM THE AGENDA.**
- c. The consideration and approval of **Ordinance S-3046, repealing Ordinance S-3030**, which established a Rural Housing Incentive District within the City and adopted a plan for the development of housing and public facilities in such District (Sutter Highlands/Sutter Woods) **(First Reading).** City Attorney, Katie Logan, informed the Commission that this action was necessary because the County determined the RHID was not in the best interest of the community and voted against the RHID. Commissioner Talley moved, seconded by Commissioner Taylor to approve Ordinance S-3046, repealing Ordinance S-3030 which established a Rural Housing Incentive District within the City and adopted a plan for the development of housing and public facilities in such District (Sutter Highlands/Sutter Woods) (First Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- d. The consideration and approval of **Ordinance G-1045** requiring any fence additional information for permit applications by replacing the existing section 400.280 with the following to Title IV (Fence) **(First Reading). (Tabled at the November 18, 2008, meeting for revision of language.)** City Engineer, Christina Cook, presented the Commission with the updates to Ordinance G-1045 and stated that the fence companies and contractors will be notified of the new provisions. Commissioner Heldstab moved, seconded by Commissioner Rhodes to approve Ordinance G-1045 requiring any fence additional information for permit applications by replacing the existing section 400.280 with the following to Title IV (Fence) (First Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

NEW BUSINESS

- a. The consideration and approval of **R-2525** authorizing and directing the issuance, sale and delivery of taxable General Obligation Temporary Notes, Series 2008-D. City Manager, Rod Barnes, informed the Commission the interest rate was 6.75% which reflects an increase of .25%; the bond council is pleased with this bid. The note is in the amount of \$1,690,000.00. The notes will be at this rate for four months and then will be rolled into permanent financing at that time. Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve R-2525 authorizing and directing the issuance, sale and delivery of taxable General Obligation Temporary Notes, Series 2008-D. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- b. The consideration and approval of **PR-08-03** for proposed pay grades with minimum wages and maximum wages for each grade and to request a 2% cost of living adjustment for 2009 non-union City employees. (Cost of living adjustment excludes City Manager, Assistant City Manager and Department Heads.) **REMOVED FROM THE AGENDA.**
- c. The consideration and approval of **Ordinance S-3047** authorizing the Mayor to sign the loan agreement paperwork with the Kansas Department of Transportation for Loan Fund #TRF0109 for Rucker Road – Whitney to US 77, in the amount of \$4,071,463.00 **(First Reading).** Commissioner Heldstab moved, seconded by Commissioner Rhodes to approve Ordinance S-3047 authorizing the Mayor to sign the loan agreement paperwork

with the Kansas Department of Transportation for Loan Fund #TRF0109 for Rucker Road – Whitney to US 77 in the amount of \$4,071,463.00 (First Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. The Mayor then requested a Declaration of Emergency on this matter. Commissioner Heldstab moved, seconded by Commissioner Rhodes to approve Ordinance S-3047 authorizing the Mayor to sign the loan agreement paperwork with the Kansas Department of Transportation for Loan Fund #TRF0109 for Rucker Road – Whitney to US 77 in the amount of \$4,071,463.00 (Second Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- d. The consideration and approval of **Ordinance G-1044** requiring the establishment of an escrow to secure the installation of required improvements for new construction by adding new Chapter 506 to Title V (Sod & Tree Requirement) **(First Reading)**. Commissioner Heldstab moved, seconded by Commissioner Taylor to table this action for additional information and language. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- e. The consideration and approval of **Ordinance S-3022**, which amends and repeals Resolution No. 1558, revising Ordinance of the City and establishing the boundaries and corporate limits of the City of Junction City **(First Reading)**. **REMOVED FROM THE AGENDA.**
- f. The consideration and approval of **Notice of Award** to F&R Services for the 2009 through 2011 City Property Mowing Contract, in the amount of \$101,621.00. Assistant City Manager, Mike Guinn, informed the Commission that this contract is for the City at-large mowing contract. Mr. Guinn stated that the staff-recommended bid to F&R Services was not the low bid; however, the City has done this type of contract with F&R Services for several years and is more comfortable with their work rather than the low bidder who has no experience and would need a letter from the City to establish a line of credit. Commissioner Talley stated that he feels it is appropriate to go with the low bidder. At the Commission's direction, Mr. Guinn stated that the issue of mowing frequency, windrows and mowing schedule when the contractor takes vacation will be addressed in the contract. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve the Notice of Award to F&R Services for the 2009 through 2011 City Property Mowing Contract in the amount of \$101,621.00. Ayes: Heldstab, Rhodes, Taylor. Nays: Talley, Wunder. Motion carried three to two.
- g. The consideration and approval of **Notice of Award** to F&R Services for the 2009 through 2011 Blight Mowing Contract, in the amount of \$50.00 per Blight mowing. Assistant City Manager, Mike Guinn, informed the Commission that F&R Services was the low bid on this contract. Commissioner Talley's concern is that once a blighted area is mowed, it should not continue to look like a blight. Mayor Wunder directed City staff to research what it would take to establish and enforce stiffer penalties for habitual violators. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the Notice of Award to F&R Services for the 2009 through 2011 Blight Mowing Contract in the amount of \$50.00 per Blight mowing. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- h. The consideration and approval of **Notice of Award** to Davis Construction and Landscaping for the 2009 through 2011 City Parks Mowing Contract, in the amount of \$64,670.58. Assistant City Manager, Mike Guinn, informed the Commission that this was the low bid for this contract. Commissioner Taylor moved, seconded by Commissioner

Heldstab to approve the Notice of Award to Davis Construction and Landscaping for the 2009 through 2011 City Parks Mowing Contract, in the amount of \$64,670.58. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- i. The consideration and approval of **Ordinance S-3048** amending and supplementing Ordinance S-2777 that authorized the City of Junction City to issue taxable multifamily residential rental revenue bonds (Hunter's Ridge), in a principal amount not exceeding \$20,000,000.00 (**First Reading**). City Manager, Rod Barnes, informed the Commission that the City acts a conduit only for this action; there is no financial obligation on the City. Commissioner Talley asked the reason for the extension and why not let it expire and then revisit. Commissioner Taylor asked the same question. Charlie Bush, owner of Hunter's Ridge, stated that it was prudent on their part to delay phase two because of the market at this time. Commissioner Talley stated that he wants more information from the bond council for the reason to extend instead of allowing it to expire. Commissioner Taylor agreed. The Mayor stated that the Commission would be willing to work with Mr. Bush on this issue. City Attorney, Katie Logan, stated that there is probably a legal situation for the extension instead of letting it expire. Ms. Logan stated that she will contact the bond council and present the information to the Commission at a future meeting. Mr. Bush stated that he would be comfortable with receiving more information from the bond council before taking action. Commissioner Talley moved, seconded by Commissioner Taylor to table the approval of Ordinance S-3048. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- j. The consideration and approval of the **Municipal Court Judge's Annual Salary** of \$45,000.00. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the Municipal Court Judge's annual salary of \$45,000.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

GENERAL DISCUSSION

(The Commission requests that comments be limited to a maximum of five minutes for each person).

Mark Sanders, 2726 Glenn Dean, Junction City, KS stated he had questions about the Sutter Highlands/Sutter Woods RHID. Is there a legally binding contract? The City has a contract and due to the County voting no for the RHID, 100% of the costs will be assessed to the property according to the original agreement. Once the process begins in 2009 and the assessments are calculated, they can't be changed. Mr. Sanders asked if not having a public hearing on Olivia Farms jeopardized the City's obligations. The City received a letter from Olivia Farms stating that they were withdrawing their RHID request. In regard to Charter Ordinance 37, who pays the fee? Ms. Logan stated that the Charter Ordinance is just the first step to this process. A separate ordinance is required if a fee is determined to be necessary. Mr. Sanders stated that the State of Kansas is considering a three percent reduction to the budget. Has the City implemented a reduction? Mr. Barnes stated that the City implemented a 20% reduction to the 2008 budget as well as the 2009 budget. A hiring freeze has been implemented except for those positions for essential services.

COMMISSIONER COMMENTS

Commissioner Taylor congratulated the Junction City High School Blue Jay football team on their 6A championship win. He also congratulated the parents, coaches, etc. that encouraged the team. Commissioner Taylor stated that he had received an email from the chair of the Golf Advisory Board asking what the role of the board was. Mr. Barnes stated that he would take care of this inquiry.

Commissioner Heldstab congratulated the Junction City High School Blue Jay football team on their 6A championship win and their 13 and 0 record this year.

Commissioner Talley congratulated the Junction City football team as well. Commissioner Talley inquired if the City had heard any news on the census appeal. Sarah Talley, Grant Administrator, informed the Commission that she has contacted the Census Bureau before Thanksgiving and was informed that the City will be contacted in the next couple of weeks and that our appeal has been reviewed.

Commissioner Rhodes stated that the Christmas parade was great on Friday despite the cold and the weather. Commissioner Rhodes congratulated the Junction City Blue Jays. He also congratulated the City employees who received the Mark of Excellence and Service Awards; they were well deserved.

Mayor Wunder stated that it was a great season for the Blue Jays. He informed the public that there will be a ceremony for the Blue Jays at 2 p.m. on Friday, December 5th at the high school. The City will present a proclamation at the ceremony. The City has plans to do something special to honor the football team. The City will work with the school district on this project. Mayor Wunder stated that he wants to work with the Chamber of Commerce concerning derogatory comments made about Junction City on TV stations and their web sites. He stated that he wished the companies in Junction City who advertise on these stations realize how Junction City has been portrayed. It's unfortunate that this has occurred and those entities do not understand the damage it does to our community when we have worked so hard to improve the image of Junction City.

STAFF COMMENTS

City Manager, Rod Barnes, stated there will be a Special Commission meeting on Thursday, December 4, 2008 at noon to discuss the Rucker Road project. Mr. Barnes will also request that the City Commission grant an extra holiday (December 26th) to City employees. Mr. Barnes also stated that there is a regularly scheduled Commission meeting scheduled for December 30, 2008 unless the Commission takes action to cancel the meeting.

Commissioner Heldstab moved, seconded by Commissioner Taylor to cancel the December 30, 2008 Commission meeting. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

Mr. Barnes stated that the City will conduct the Mayor's Christmas Meals again this year. Interested individuals can contact the Customer Service Center to order a meal. The City will once again partner with the Nazare Church for the meals. Mr. Barnes thanked Ed

Lazear and his staff for their creative way to set up the lights in Heritage Park at half the cost. The annual Legislative Dinner will be held December 10th at the Opera House.

ADJOURNMENT

Commissioner Rhodes moved, seconded by Commissioner Heldstab to adjourn at 9:00 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 16th DAY OF DECEMBER 2008 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR DECEMBER 2, 2008.



Tricia Gowen, City Clerk



Mick Wunder, Mayor